

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM MITCHELL,

Plaintiff,

-against-

MEMORANDUM AND ORDER
01-CV-3111 (JS)

EUGENE LOPEZ, ET AL.,

Defendants.

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APPEARANCES:

For Plaintiff: William Mitchell, pro se
103 Gates Ave
Unit 1
Central Islip, NY 11722

For Defendants: Brian C. Mitchell, Esq.
Donnamarie Kopping, Esq.
Susan A. DeNatale, Esq.
Office of the Suffolk County Attorney
100 Veterans Memorial Highway
PO Box 6100
Hauppauge, NY 11788

SEYBERT, District Judge:

Pending before the Court are (1) pro se Plaintiff William Mitchell's motion to compel his former attorney, Andrew Schatkin, Esq., to turn over Plaintiff's case file; and (2) Defendants' motion for a pre-motion conference. The Court addresses each in turn.

Plaintiff's motion to compel is GRANTED. On September 23, 2010, Mr. Schatkin told the Court that he would conduct a thorough search of his archives and send Plaintiff the file. See Sept. 23, 2010 letter from Andrew Schatkin to the Court. Plaintiff

has apparently not received the file, however, at least as of June 6, 2011. Mr. Schatkin is hereby ORDERED to send Plaintiff his file in accordance with the directions below.

Defendants' motion for a pre-trial conference is DENIED without prejudice. Although the Court is reluctant to delay this case any longer, it is premature to discuss summary judgment before Plaintiff has a chance to review his file. If they wish, Defendants may renew their request after Mr. Schatkin complies with this Order.

CONCLUSION

Plaintiff's motion to compel Andrew Schatkin, Esq. to turn over his case file is GRANTED. Mr. Schatkin shall send Plaintiff his file within fourteen (14) days from the date of this Order and confirm to the Court in writing that he has done so. If Mr. Schatkin has already provided the file or otherwise cannot comply with this Order, he shall explain so to the Court in writing, with copies to Plaintiff and Defendants' counsel. Defendants' request for a pre-motion conference is DENIED without prejudice.

The Clerk of the Court is directed to send a copy of this Order to Plaintiff and a copy to Andrew Schatkin, Esq., via certified mail with return receipt requested, at his last known

address: 350 Jericho Turnpike, Jericho, NY 11753.

Defendants' counsel is directed to email a copy of this Order to Mr. Schatkin at the email address listed on the ECF docket sheet.

SO ORDERED.

/s/ JOANNA SEYBERT

Joanna Seybert, U.S.D.J.

Dated: June 22, 2011
Central Islip, New York